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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Naoki Kubo

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BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747

EXAMINER

OMETZ, DAVID LOUIS

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,182

Applicant(s)

KUBO, NAOKI

Examiner

David L. Ometz

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 6, 8-13, 15, 16 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 4, 7, 14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 3, 5, 6, 10, 13, 15, 16, 18, 20, 22 are objected to because of the following informalities:

In claim 3, line 2, "a file" should be changed to --the file-- in order to provide antecedent basis for the file set forth in the last line of claim 1.

In claim 5, line 4, --and-- should be inserted before "information"

In claim 5, lines 4-5, ", and reduced image data of the image data" should be deleted since the reduced image data has already been set forth in claim 1 as the "thumbnail" data.

In claim 6, line 2, "a file" should be changed to --the file--.

In claim 8, line 2, "reduced image" should be changed to --the thumbnail-- in order to provide proper antecedence for claim one's "thumbnail data."

In claim 8, the entire last line should be deleted as these limitations are now redundant in view of claim 1 terminology.

In claim 10, line 2, "a file" (second occ.) should be changed to --the file--

In claim 13, line 2, "a file" should be changed to --the file-- in order to provide antecedent basis for the file set forth in the last line of claim 11.

In claim 15, line 4, --and-- should be inserted before "information"

In claim 15, lines 4-5, ", and reduced image data of the image data" should be deleted since the reduced image data has already been set forth in claim 11 as the "thumbnail" data.

In claim 16, line 2, "a file" should be changed to --the file--.

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In claim 18, line 2, “produces reduced image” should be changed to --produces the thumbnail-- in order to provide proper antecedence for claim eleven’s “thumbnail data.”

In claim 18, the entire last line should be deleted as these limitations are now redundant in view of claim 11 terminology.

In claim 20, line 2, “a file” (second occ.) should be changed to --the file--

In claim 22, 3rd to last line, a comma --,-- should be inserted after “data” (first occ.).

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 7, 14, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, each of claims 4, 7, 14, and 17 set forth “information” (or “additional data”) that is stored in “a file other than a file in which the image data is stored.” Figure 13 of the specification illustrates the current embodiment being claimed in the independent claims wherein the thumbnail data 58 is in the SAME file as the image data 52 (in fact, the “information” 51, and the “other data” 53-56 are also in the same file). However, instant claims 4, 7, 14, and 17 directly contradict this by claiming the embodiment shown in figure 14 where all information and additional data (including thumbnail data 78) is in a separate file from the image data 60. Therefore, claims 4, 7, 14, and 17 create confusion as to how the image data and thumbnail data are in a same file, but not the information and additional data.

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4. Claims 1-3, 5, 6, 8-13, 15, 16, 18-22 are allowed over the prior art of record pending correction of the minor informalities noted, *supra*.

5. Claims 4, 7, 14, 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, and in particular the reference to Lathrop, neither anticipates nor renders obvious the instant combination in an image recording apparatus and method that includes: storing image data corresponding to a middle stage of processing in a same file as thumbnail data of the image data as set forth in independent claims 1 and 21. Lathrop discloses the storage of middle stages of image data during the processing of image data, however, the thumbnail data (see col. 3, lines 51-61, and col. 5, lines 36-40) is stored in a separate TIFF file, which is a separate file from the JPEG intermediate image file created in Lathrop.

7. With regard to independent claims 11 and 22, the prior art of record, and in particular the reference to Lathrop, neither anticipates nor renders obvious the instant combination in an image recording apparatus and method that includes: designating a desired processing stage out of a plurality of processing stages, the plurality of processing stages being performed prior to display, and obtaining image data corresponding to the stage designated wherein the image data and thumbnail data of the image data are in a same file. Lathrop discloses the storage of middle stages of image data during the processing of image data, however, the thumbnail data (see col. 3, lines 51-61, and col. 5, lines 36-40) is stored in a separate TIFF file, which is a separate file from the JPEG intermediate image file created in Lathrop.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kagle et al discloses a camera processing apparatus that processes the image data in sections for various pipelines.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to David L. Ometz at telephone number (571) 272-7593.



David L. Ometz
SPE
Art Unit 2622

DLO
5/2/06